

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OCLC, Inc.,

Plaintiff,

v.

**CLARIVATE, PLC; CLARIVATE
ANALYTICS (US) LLC; PROQUEST
LLC; and EX LIBRIS (USA), INC.,**

Defendants.

Case No. 2:22-cv-2470-JLG-KAJ

Judge James L. Graham

Magistrate Judge Kimberly A. Jolson

**PLAINTIFF OCLC, INC.'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO EX LIBRIS (USA), INC.**

Plaintiff OCLC, Inc., by and through its undersigned counsel, hereby request that, within 14 days of the date of service hereof, Defendant Ex Libris (USA), Inc. responds in writing to each of the following Interrogatories and Requests for Production of Documents (collectively “Requests”).

DEFINITIONS

1. “Clarivate” shall refer to defendant Clarivate, Plc and its predecessors, successors, parents, subsidiaries, officers, directors, employees, agents, attorneys, representatives and any other Persons acting on behalf of or in cooperation with any of the foregoing.

2. “Clarivate Analytics” shall refer to defendant Clarivate Analytics (US) LLC and its predecessors, successors, parents, subsidiaries, officers, directors, employees, agents, attorneys, representatives and any other Persons acting on behalf of or in cooperation with any of the foregoing.

3. “Complaint” shall refer to the Complaint filed by Plaintiff in the above-captioned case on June 13, 2022.

4. “Defendants” shall refer to defendants Clarivate, Clarivate Analytics, ProQuest, and Ex Libris.

5. “Ex Libris” shall refer to defendant Ex Libris (USA), Inc. and its predecessors, successors, parents, subsidiaries, officers, directors, employees, agents, attorneys, representatives and any other Persons acting on behalf of or in cooperation with any of the foregoing.

6. “Lawsuit” shall refer to the above-captioned case filed on June 13, 2022.

7. “MetaDoor” shall refer to the cataloguing resource platform product developed, marketed, designed, and/or operated by You and Defendants, as described in the Complaint.

8. “MetaDoor Consent Form” shall refer to the form referenced in the March 10, 2022 email chain available online and attached here as Attachment 1.¹

9. “OCLC WorldCat® Customers/Members” shall refer to the OCLC member libraries, which can be found through a searchable directory available on OCLC’s website at <https://www.oclc.org/en/contacts/libraries.html>.

10. “Plaintiff” and “OCLC” shall refer to plaintiff OCLC, Inc. and its predecessors, successors, parents, subsidiaries, officers, directors, employees, agents, attorneys, representatives and any other Persons acting on behalf of or in cooperation with any of the foregoing.

11. “ProQuest” shall refer to defendant ProQuest LLC and its predecessors, successors, parents, subsidiaries, officers, directors, employees, agents, attorneys, representatives and any other Persons acting on behalf of or in cooperation with any of the foregoing.

12. The terms “You” and “Your” shall refer to defendant Ex Libris.

¹ Email (Mar. 10, 2022), https://lists.etc.edu/pipermail/wactclc-alma_lists.etc.edu/2022-March/010806.html (last visited June 13, 2022).

13. The terms “communication” and “communications” are used in the broadest possible sense and mean every conceivable manner or means of disclosure, transfer or exchange of oral or written information between one or more persons or entities and shall include, without limitation, notes, letters, memoranda, e-mail, facsimiles, reports, briefings, telegrams, telexes, or by oral contact by such means as face to face meetings and telephone conversations, or any form of transmittal of information in the form of facts, ideas, inquiries or otherwise.

14. The terms “document” and “documents” are used in the broadest meaning ascribed by Fed. R. Civ. P. 34(a), and shall mean all written, recorded, or graphic matter, or computer or electronic records of written, recorded or graphic matter, of every type or description in your possession, custody, or control, whether an original, copy, or draft, wherever located. Documents also shall include the memorializations of communications encompassing all forms by which information or Documents can be transmitted or exchanged, including but not limited to meetings, other face-to-face exchanges, telephone conversations, letters, facsimiles, electronic mail, notes of any of the foregoing, and the like.

15. The term “including” shall be construed to mean “including but not limited to” as necessary to bring within the scope of the Request all responses that might otherwise be construed to be outside of its scope.

16. The terms “relate to,” “relates to,” “relating to,” and “related to” mean referring to, summarizing, reflecting, constituting, containing, concerning, embodying, mentioning, discussing, describing, consisting of, comprising, showing, commenting on, tending to support or tending to refute, or in any way logically or factually connected with the matter that is the subject of the Request.

INSTRUCTIONS

1. In answering and responding to these Requests, You shall furnish such documents and information in Your possession, custody or control, including documents and information that is in the possession, custody or control of Your agents, investigators, consultants, and (subject to any otherwise applicable privileges) attorneys.

2. If you feel any discovery request is unclear, overbroad, or otherwise objectionable, you should immediately contact Plaintiff's counsel for clarification.

3. In providing Your responses, You are requested to make a full and thorough search and to furnish all documents and information available to You, including documents and information in the possession of Your present and former attorney(s), agent(s), and any other representative(s) or person(s) acting on Your behalf, not merely such documents in Your possession or information presently known to You.

4. If You cannot provide some or any of the requested documents or information (after exercising due diligence to secure them), state and specify the reasons for Your inability to produce the remainder of the documents or information and state whatever information or knowledge You have concerning the documents or information not provided.

5. Where the context in the Requests makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. The words "any," "and," and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside its scope. Each of the following words includes the meaning of every other word: "each," "every," "all," and "any." The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

6. Any Documents responsive to these Requests that are not produced by a reason or a claim of privilege, work product, or for any other reason shall be identified in a writing which expressly makes the claim on which the document is being withheld. Such a writing shall describe the nature of the documents, communications, or tangible things not produced or disclosed—and do so in a manner that, without revealing the information that itself is privileged or protected, will enable other parties to assess the claim. Such a claim must meet the requirements of Federal Rule of Civil Procedure 26(b)(5).

7. If no Documents exist that are responsive to a particular Request, state in writing that no responsive Documents exist.

INTERROGATORIES

Interrogatory 1. Identify and describe in detail Your corporate structure and Your relationship to any parents, subsidiaries, affiliates, and other related entities, including the other Defendants in this Lawsuit.

Response:

Interrogatory 2. Identify any of Your parents, subsidiaries, affiliates, or other related entities that is or was involved in the development, design, strategy, marketing, operations, implementation, and/or oversight of MetaDoor.

Response:

Interrogatory 3. For You and any entity identified in Interrogatory No. 2, describe in detail how the entity is or was involved in the development, design, strategy, marketing, operations, implementation, and/or oversight of MetaDoor.

Response:

Interrogatory 4. Identify and describe in detail any presentations that You have made to the public and/or current or potential customers, partners, or collaborators regarding MetaDoor, including (i) the title of the presentation, (ii) the date, time, and location of where it was given, (iii) the name and title of the presenter, (iv) the names and/or affiliations of those in attendance, (v) what materials were provided to attendees, (vi) whether the presentation was connected to a conference, event, or meeting, and (vii) whether the presentation was recorded.

Response:

Interrogatory 5. Identify all OCLC WorldCat® Customers/Members that You have communicated with about MetaDoor.

Response:

Interrogatory 6. Identify all OCLC WorldCat® Customers/Members that have downloaded, linked to, uploaded, and/or otherwise transferred their bibliographic records and/or associated metadata to You and/or MetaDoor.

Response:

Interrogatory 7. Identify and describe in detail any agreements between You and any OCLC WorldCat® Customers/Members related to MetaDoor.

Response:

Interrogatory 8. Describe in detail the design and operation of MetaDoor, including how records, bibliographic information, and/or metadata are submitted to, merged to, linked to,

uploaded to, transferred to, indexed, scored, and/or used by MetaDoor. This includes, how WorldCat® records are used in the creation of the global index links to various library catalogs, as well as how Defendants create the links to the individual library catalogs via the global index.

Response:

Interrogatory 9. Describe in detail the scoring algorithm for the individual records in MetaDoor, including how it is created and what criteria it is based upon.

Response:

REQUESTS FOR PRODUCTION

Request for Production 1. Any communications between You and any OCLC WorldCat® Customers/Members related to MetaDoor.

Response:

Request for Production 2. All agreements, contracts, terms, and/or consent forms provided to and/or executed by You and/or any OCLC WorldCat® Customers/Members related to MetaDoor, including the MetaDoor Consent Form.

Response:

Request for Production 3. All documents related to the MetaDoor presentations identified by You in Interrogatory 4, including any slide decks, demonstratives, recordings, internal training documents, and/or other materials given to trainers and/or attendees.

Response:

Request for Production 4. All documents relied upon or that support Your responses to Interrogatories 1 through 9 to the extent not already provided herein.

Respectfully submitted,

/s/ Traci L. Martinez

Traci L. Martinez (0083989), Trial Attorney

Jeffrey M. Walker (0096567)

Kathryn M. Brown (0100426)

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Attorneys for Plaintiff OCLC, Inc.

CERTIFICATE OF SERVICE

On June 13, 2022, this document was filed electronically with the Clerk of the United States District Court for the Southern District of Ohio, Eastern Division, which will electronically serve a copy of the foregoing on all counsel of record for all parties. Additionally, this document was sent by email to the following counsel for Defendant and will be served upon the parties with the summons and complaint in this matter:

Brian S. Weinstein
Davis Polk & Wardell LLP
450 Lexington Avenue
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Ashok Ramani
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Menlo Park, California 94025
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/s/ Traci L. Martinez
One of the Attorneys for Plaintiff

Attachment 1

[Wactclc-alma] FW: Introducing MetaDoor -from Ex Libris/ProQuest

Guidry, Wade [WadeG at bigbend.edu](mailto:WadeG@bigbend.edu)

Thu Mar 10 16:40:49 PST 2022

- Previous message (by thread): [\[Wactclc-alma\] FW: Introducing MetaDoor -from Ex Libris/ProQuest](#)
- Next message (by thread): [\[Wactclc-alma\] FW: Introducing MetaDoor -from Ex Libris/ProQuest](#)
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I guess ProQuest read my bullet point idea about an “OCLC-less library” 😊

Just to add, Innovative Interfaces (now a part of ProQuest, which is now owned by Clarivate) has had their own shared bibliographic repository for many years, currently called SkyRiver: Library Database Management | Library Metadata Management | iii.com <https://www.iii.com/products/skyriver/>

Metadoor could be a repackaging of SkyRiver for ProQuest customers, or is somehow related.

I believe SkyRiver is an separately licensed III offering. So Metadoor could be a gateway drug into additional pay-to-use metadata.

But all just a guess.

Wade Guidry
Library Consortium Services Manager, WACTCLC
wadeg_at_bigbend.edu <mailto:wadeg_at_bigbend.edu>
(509) 760-4474
<http://www.wactclc.org> <<http://www.wactclc.org/>>

From: Wactclc-alma <wactclc-alma-bounces_at_lists.ctc.edu> On Behalf Of Thomas, Kirsti
Sent: Thursday, March 10, 2022 4:04 PM
To: WACTCLC Alma Discussion <wactclc-alma_at_lists.ctc.edu>
Subject: Re: [Wactclc-alma] FW: Introducing MetaDoor -from Ex Libris/ProQuest

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Amy,

I also get the impression from the flyer that the product is in competition with OCLC WorldCat.

Looking at the Consent form, it does operate on a slightly different model than WorldCat.

Instead of having a central database where records are stored, it functions more like the old Z39.50 tools where you could search for a record in another library's ILS and download a copy into your own system, and vice versa.

It looks like it only works for Alma customers at this point. OCLC WorldCat is ILS-neutral.

There's also a potential catch for participating libraries who are also OCLC members-- while we have the right to do what we like with bibliographic records created by our own individual institutions (especially since the CTC libraries are all state agencies and the individual records we create probably count as public domain works), we may not have the right to share bibliographic records we got from WorldCat that were created by *other* libraries.

See WorldCat Rights and Responsibilities for the OCLC Cooperative policy:
<https://www.oclc.org/en/worldcat/cooperative-quality/policy.html>

Out of the roughly 5000 volumes we purchase every year, only 2-3 have original catalog records that we create ourselves.

Trying to identify which records in our Alma system are eligible for sharing sounds to me like a lot of work for not much direct benefit at this point it time.

It will be ok!

Kirsti S. Thomas
Library Technical Services Manager
Seattle Colleges
kirsti.thomas_at_seattlecolleges.edu <mailto:kirsti.thomas_at_seattlecolleges.edu>

From: Wactclc-alma <wactclc-alma-bounces_at_lists.ctc.edu> <mailto:wactclc-alma-bounces_at_lists.ctc.edu> On Behalf Of Herman, Amy
Sent: Thursday, March 10, 2022 12:40
To: WACTCLC Alma Discussion <wactclc-alma_at_lists.ctc.edu> <mailto:wactclc-alma_at_lists.ctc.edu>
Subject: [Wactclc-alma] FW: Introducing MetaDoor -from Ex Libris/ProQuest

Direct from our ProQuest rep... I assume others also got this email but in case you didn't. This is the first I've heard of it. Is this a run at competing with OCLC??

Amy Herman
Library Faculty | Olympic College
1600 Chester Avenue | Bremerton, WA 98337
aherman_at_olympic.edu <aherman_at_olympic.edu> | 360-475-7256

From: Dana Ouellette <Dana.Ouellette_at_proquest.com> <mailto:Dana.Ouellette_at_proquest.com>
Sent: Thursday, March 10, 2022 11:14 AM
To: Herman, Amy <aherman_at_olympic.edu> <aherman_at_olympic.edu>
Subject: [EXTERNAL] - Introducing MetaDoor -from Ex Libris/ProQuest

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Hello Amy,
As an Alma customer, you may be interested in knowing about MetaDoor! MetaDoor is Ex Libris' new open metadata platform which is designed to streamline

and simplify library metadata workflows. MetaDoor will enable shared metadata for catalogers around the world and ultimately move us to the Linked Data future that you expect. Learn more from the attached PDF. If you would be willing to share your bibliographic records, then review the attached Word doc. If you have questions or for more information, contact MetaDoor_info_at_exlibrisgroup.com<mailto:MetaDoor_info_at_exlibrisgroup.com>. +++

Feel free to use if you don't want to recreate the wheel.

Have a great day!

Best,

Dana

Dana Ouellette
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E: dana.ouellette@proquest.com<mailto:dana.ouellette@proquest.com>

proquest.com<<https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F2FAbout.proquest.com%2Fer%2F&data=04%7C01%7C%7Cb40f90c024a94b160b9e08da02d64ef7%7C02d8ff38d7114e31a9156cb5cff788df%7C0%7C0%7C63782541718906>

clarivate.com<<https://nam04.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.clarivate.com%2F&data=04%7C01%7C%7Cb40f90c024a94b160b9e08da02d64ef7%7C02d8ff38d7114e31a9156cb5cff788df%7C0%7C0%7C637825417189009803%7C>

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- Next message (by thread): [\[Wactelc-alma\] FW: Introducing MetaDoor -from Ex Libris/ProQuest](#)
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